

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Behr *et al.*

Appl. No. 09/555,574

U.S. Nat'l Phase of PCT/EP98/07695

I.A. Filing Date: November 28, 1998

For: **Transfection Particles**

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket:
0652.2090000/EKS/JMC/ALS

Batch No.

Letter to PTO Draftsman: Submission of Formal Drawings

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith are thirty four (34) sheets of formal drawings with Figures 1-3, 4A-D, 5, 6A-C, 7A, 7B, 8, 9, 10, 11A, 11B, 12-15, 16A-C, 17-30, corresponding to the informal drawings submitted with the above-captioned application. The application number, group art unit and attorney docket number appear on the back of each sheet. Acknowledgment of the receipt, approval, and entry of these formal drawings into this application is respectfully requested.

It is not believed that an extension of time is required, other than any already provided herewith. However, if an extension of time is needed to prevent abandonment of the application, then such extension of time is hereby petitioned. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this Letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



John M. Covert
Attorney for Applicants
Registration No. 38,759

Date: Oct. 23, 2000

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

Form PTO-1390 (REV 10-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY DOCKET NUMBER 0652.2090000/EKS/JMC/ALS	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (IF KNOWN, SEE 37 C.F.R. § 1.5) 09/555,574	
INTERNATIONAL APPLICATION NO PCT/EP98/07695		INTERNATIONAL FILING DATE November 28, 1998		PRIORITY DATE CLAIMED December 4, 1997	
TITLE OF INVENTION Transfection Particles					
APPLICANT(S) FOR DO/EO/US John-Paul BEHR, Thomas BLESSING, Ernst WAGNER, and Susanne SCHULLER					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)).</p> <p>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p style="margin-left: 20px;">c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p style="margin-left: 20px;">d. <input checked="" type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 372(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11. to 16. below concern other document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> Two assignment documents for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A FIRST preliminary amendment.</p> <p style="margin-left: 20px;"><input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>16. <input checked="" type="checkbox"/> Other items or information: Petition for Three month Extension of Time under 37 C.F.R. § 1.136(a)(1) (<i>in duplicate</i>); a copy of the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); an original executed Power of Attorney from Assignee for Boehringer Ingelheim International GmbH; an original executed Certificate Under 37 C.F.R. § 3.73(b) for Boehringer Ingelheim International GmbH; an original executed Power of Attorney from Assignee with Delegation for Université Louis Pasteur de Strasbourg; an original executed Certificate Under 37 C.F.R. § 3.73(b) for Université Louis Pasteur de Strasbourg; Letter to PTO Draftsman: Submission of Formal Drawings (<i>in duplicate</i>); Thirty four (34) sheets of formal drawings with Figures 1-3, 4A-D, 5, 6A-C, 7A, 7B, 8, 9, 10, 11A, 11B, 12-15, 16A-C, 17-30; and Our check number 29204 for \$890.00 to cover Extension of Time fee.</p>					

10/25/2000 11:00:00 AM 00000009 09555574

01 FC:117

890.00 OP

09/555,574

PCT/EP98/07695

0652.2090000/EKS/JMC/ALS

17. ☐ The following fees are submitted:

CALCULATIONS PTO USE ONLY

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but
international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)
but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00

International preliminary examination fee paid to USPTO (37 CFR 1.482)
and all claims satisfied provisions of PCT Article 33(2)-(4) \$ 100.00

ENTER APPROPRIATE BASIC FEE AMOUNT = \$

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months
from the earliest claimed priority date (37 CFR 1.492(e)).

\$ previously
paid

Claims	Number Filed	Number Extra	Rate		
Total Claims	- 20 =		X \$18.00	\$	
Independent Claims	- 3 =		X \$80.00	\$	
Multiple dependent claim(s) (if applicable)			+ \$270.00	\$	
TOTAL OF ABOVE CALCULATIONS				=	\$
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					\$
SUBTOTAL				=	\$
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
TOTAL NATIONAL FEE				=	\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED				=	\$
				Amount to be refunded:	\$
				charged:	\$

a. ☒ A check in the amount of \$890.00 to cover the above fees is enclosed. Please see #16.b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0036. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit Under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

1100 New York Avenue, NW, Suite 600

Washington, D.C. 20005-3934

SIGNATURE

John M. Covert

NAME

38,759

REGISTRATION NUMBER

09/555574



Address: ASSISTANT
Box PCT
Washington, D.C.

OFFICE FOR PATENTS

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
----------------------	-----------------------	------------------

09/555,574

BEHR

INTERNATIONAL APPLICATION NO. 2090000

5611

STERNE KESSLER GOLDSTEIN & FOX
1100 NEW YORK AVENUE NW
SUITE 600
WASHINGTON DC 20005-3934

PCT/EP98/07695

I.A. FILING DATE

PRIORITY DATE

DATE MAILED 11/28/98 12/04/97

21 JUN 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendments filed _____ and _____

☐ Information Disclosure Statement(s) filed _____ and _____

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above: (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☒ PCT/DO/EO/917 ☐ Notice of Defective Translation

☒ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703)

Winston Alvarado
National Stage Processing
Paralegal Specialist
(703) 305-6421

Best Available Copy